

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA**

In re:

Chapter 7
Bky. No. 24-30167

Pro-Mark Services, Inc.,

Debtor,

Erik A. Ahlgren, as Chapter 7 Trustee
of Bankruptcy Estate of Pro-Mark
Services, Inc., and as Administrator of the
Pro-Mark Services, Inc. Employee Stock
Ownership Plan,

Adv. No. 24-07014

Plaintiff,

**DEFENDANT MANDY GRANT'S
NOTICE OF MOTION AND
MOTION TO DISMISS**

v.

Connie Berg, Kyle Berg, Connie Berg
Revocable Living Trust, Kyle R. Berg
Revocable Living Trust, Chad DuBois,
Mandy Grant, and Miguel Paredes,

Defendants.

NOTICE IS HEREBY GIVEN that Defendant Mandy Grant, by and through her undersigned counsel of record, files this Motion to Dismiss the Amended Complaint [Doc #11] filed by Erik A. Ahlgren in his official capacity as Chapter 7 Trustee of the Debtor's bankruptcy estate (the "Trustee").

NOTICE IS FURTHER GIVEN that if the objections to the relief requested in this Motion are timely filed, the Court will schedule a hearing on this Motion and objections in accordance with the provisions in Local Rule 7007-1 of the North Dakota Rules of Bankruptcy Procedure.

NOTICE IS ALSO GIVEN that if no objections to this Motion are filed within twenty-one (21) days from the date of service of this Notice, the Court will enter an Order granting the relief requested in this Motion. Written objections to this Motion, if any, shall be filed with the Clerk of

the United States Bankruptcy Court, whose address is 655 First Avenue North, Suite 210, Fargo, ND 58102, with a copy mailed to counsel for Defendant Mandy Grant, whose name and address is listed below.

Pursuant to Federal Rule of Bankruptcy Procedure 7012(b) and Federal Rules of Civil Procedure 12(b)(6), Defendant Mandy Grant moves to dismiss the claims asserted against her in the Complaint for failure to state a claim upon which relief can be granted. The bases for the relief requested in this Motion are set forth in Defendant Mandy Grant's Memorandum in Support of Motion to Dismiss filed contemporaneously with this Motion.

Given that the Trustee has failed to state a claim against Defendant Mandy Grant upon which relief can be granted, Defendant Mandy Grant respectfully requests that the Court issue an Order dismissing the claims against Defendant Mandy Grant in the Complaint.

STATEMENT OF CONSENT TO FINAL ORDERS

As required by Federal Rule of Bankruptcy Procedure 7012(b), Defendant Mandy Grant hereby states that she does consent to entry of final orders or judgment by the Bankruptcy Court in the above-captioned Adversary Proceeding.

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Dated: January 20, 2025.

/s/ Andrew D. Cook

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 20th day of January, 2025, above document was served on all counsel of record via CM/ECF.

/s/ Andrew D. Cook

Andrew D. Cook